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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,064	09/23/2003	Michael L. Case	42P17673	5098
8791 7590 03/01/2011 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
LU'ONG, ALAN H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,064

Applicant(s)

CASE, MICHAEL L.

Examiner

ALAN LUONG

Art Unit

2427

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites the limitation "the video connection" in line 6 and "the video interface" in line 11 of claim, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. **2002/0171624** by **Stecyk** et al.

Regarding to claim 1: Fig. 1, 2A-2F of Stecyk illustrates a Home Theater Network System (HTNS) [10] as **an apparatus support a method comprises:**

a first tuner (i.e. one of IRC devices [30]; i.e. as VCR [33]) **to receive modulated video signals through a video connection** (i.e. video cable [31]) **and to provide demodulated video signals** (to DVT [12]), **the first tuner having a first control line interface** (i.e. IR transmission cable [38]) **separate from the video connection to receive commands in a first protocol** (i.e. an analog input command from the remote control 20 of Fig. 4 into a device appropriate message comprising device specific IR codes) **specific to the first tuner at the first control line interface;;** (Stecyk, ¶0047-¶0048, Fig. 4, ¶0064)

a second tuner (i.e. another of IRC devices [30]; i.e. a digital broadcast satellite tuner (DBS) 32) **to receive modulated video signals through a video connection** (i.e. video cable [31]) **and to provide demodulated video signals, the second tuner having a second control line interface** (i.e. IR transmission cable [38]) **separate from the video connection to receive commands in a second protocol** (i.e. a digital input command from the remote control 20 of Fig. 4 into a device appropriate message comprising device specific IR codes) **different from the first protocol and specific to the second tuner at the second control line interface;** (Stecyk, ¶0047-¶0048 Fig. 4, ¶0064)

Fig. 5, 6 and 13 illustrate **a graphics controller** (the TV control module 140, the AVCM 112 and GUI 114 modules which has user interface [50] where user inputs command from remote control [20]; see ¶0070, ¶0071) **to generate generalized instructions for controlling the first and second tuners** (i.e. commands from the remote 20 to select input devices) **and to send the instructions to a separate microcontroller**; (i.e. Digital DMS 116); **(Stecyk, ¶0068) the instructions being generated in a third protocol** (i.e. function of the DMS 116 is to determine based on current system state information and the device action instructions received from the AVCM 112 or GUIM 114) **different from the first and second protocols**; (Stecyk, ¶0069, ¶0071-¶0072, ¶0081, ¶0086)

Fig. 6 illustrates **the microcontroller** (i.e. DMS 116 of DM [110]) **coupled to the graphics controller** (i.e. the TV control module 140, the AVCM 112 and GUI 114) **and to the respective control line interfaces of the first and second tuners to receive the generalized instructions from the graphics controller in the third protocol** (i.e. function of the DMS 116 is to determine based on current system state information and the device action instructions received from the AVCM 112 or GUIM 114), **to identify a tuner** (i.e. IRC devices [30]; i.e. a digital tuner 32) **to which each instruction is directed**, (i.e. The bold outline DBS tuner icon 61 which indicates that the DBS Tuner 32 is able or available possibly because the DBS Tuner 32 has been connected from the DTV 12); (Stecyk, Fig. 2A-2F, ¶0093-¶0098); **to convert the instructions from the third protocol to the protocol for the identified tuner and to transmit the converted commands to the respective identified tuner through the respective**

control line interface of the respective tuner (i.e. IRC devices [30]; i.e. the chosen external device 136). (Stecyk, ¶0081)

Regarding to claim 2: The apparatus of Claim 1, Fig. 5 shows **wherein the tuner further generates command responses in the first protocol** (i.e. event signal commands from the remote 20) **and wherein the microcontroller** (i.e. DMS 116]) **receives the command responses, converts them to the third protocol** (i.e. translate these commands into instructions for the DMS 116 and TVCM 140) **and transmits the converted command responses to the graphics controller;** (transmits the event and the system state information to the GUIM 114 where transmits a message to the TVCM 140 to display the device selection menu 52); (Stecyk, ¶0093)

Regarding to claim 3: The apparatus of Claim 1, further comprising a **third tuner** (i.e. one of IRC devices [30]; i.e. a digital video disk player (DVD) 34) **to receive a modulated video signal through a video connection** ((i.e. video cable [31]), **the third tuner having third control line interface** (i.e. IR transmission cable [38]) **separate from the video connection to receive commands in a fourth protocol specific to the third tuner,** (i.e. The IR blaster cables 38 enable messages or commands comprising device specific IR codes to be communicated to the IRC devices 30 i.e. the digital video disk player (DVD) 34); (Stecyk, ¶0047-¶0048, Fig. 4, ¶0064) **and wherein the microcontroller** (i.e. DM 110) **receives generalized instructions from the graphics controller for the third tuner in the fourth protocol** (i.e. device window 60 of the device selection menu 52 to the adjacent DVD icon 64 corresponding

to the IRC DVD player 34), **converts them to the fourth protocol, and transmits them to the third tuner.** (i.e. The DMS 116 also formulates appropriate messages that it transmits to the IRC module 130 instructing it to operate the DVD 34 and the IRC AV receiver 37 and to perform the appropriate switching within the DVD and the AVR to enable an audio connection there between); (Stecyk, ¶¶0098-¶¶0099 and ¶¶0101)

Regarding to claim 4: The apparatus of Claim 1, Fig. 1 illustrates **wherein the first tuner first control line interface further comprises an input/output interface** (i.e. I/O ports cable 31 and 38) **to communicate data and control signals in the first protocol to external devices** (i.e. (IRC) devices 30, 1394 devices 40); (¶¶0047) **and wherein the microcontroller** (i.e. DM [110] of Fig. 5) **is coupled to the input/output interface convert data and control signals between the first protocol and the third protocol;** (Stecyk, ¶¶0069 and ¶¶0101);

Regarding to claim 5: The apparatus of Claim 1; as discussed in claim 1; Fig. 5 illustrates **a graphics controller** (i.e. the TV control module 140, the AVCM 112 and GUI 114 modules which has user interface [50] where user inputs command from remote control [20]; see ¶¶0070, ¶¶0071); where TV control module 140 **as a system processor coupled to the microcontroller** (i.e. DMS [116]);

Regarding to claim 6: The apparatus of Claim 1, Fig. 5 of Stecyk shows **a look-up table for the tuner;** (i.e. DCL 117 and DIL 118) **and wherein the microcontroller** (i.e. DMS 116) **converts the generalized instructions by applying the generalized instructions in the third protocol to the look-up table;** (Stecyk, ¶¶0072, ¶¶0074);

Regarding to claim 7: The apparatus of Claim 1, FIGS. 7A and 7B of Stecyk shows **an instruction stack specific for the tuner** (i.e. the user may be required to fill in the manufacture's name in the "Manufacturer" window 202 and the model number in the "Model No." window 204 as shown in FIG. 7A; 7B) **wherein the microcontroller** (i.e. DCL 117 and DIL 118 of Device Management system (DMS) [116] in DM [110]) **converts the generalized instructions_by applying instructions from the tuner-specific instruction stack"** (i.e. The device type, the manufacture's name and the model number are then used by the DMS to build the DCO/DMOs and DIO for the supported devices.); (Stecyk, ¶0086- ¶0088);

Regarding to claim 8: method of claim 8 merely repeats the same limitations of apparatus in claim 1, so, claim 8 is rejected the same ground with claim 1

Regarding to claim 9: The method in claim 9 has the same limitation in claim 2, so, claim 9 is rejected the same ground with claim 2

Regarding to claim 10: The method in claim 10 has the same limitation in claim 3, so, claim 10 is rejected the same ground with claim 3

Regarding to claim 11: With respect to the method claim 11, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 6 and since this method in claim 11 merely repeat the limitation of claim 6, claim 11 have the same ground rejection as claim 6.

Regarding to claim 12: With respect to the method claim 12, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 7 and since this method in claim 12 merely repeat the limitation of claim 7, claim 12 have the same ground rejection as claim 7.

Regarding to claim 13: With respect to the method claim 13, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 1 and since this method in claim 13 merely repeat the limitation of claim 1, claim 14 have the same ground rejection as claim 1.

Regarding to claim 14: With respect to the method claim 14, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 2 and since this method in claim 14 merely repeat the limitation of claim 2, claim 14 have the same ground rejection as claim 2.

Regarding to claim 15: The medium of Claim 13, as discussed above since the apparatus disclosed every structural element and its function required by same apparatus claim 14 and since this method in claim 15 merely repeat the limitation of claim 14, claim 15 have the same ground rejection as claim 14.

Regarding to claim 16: With respect to the method claim 16, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 6 and since this method in claim 16 merely repeat the limitation of claim 6, claim 16 have the same ground rejection as claim 6.

Regarding to claim 17: With respect to the method claim 17, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 7 and since this method in claim 17 merely repeat the limitation of claim 7, claim 17 have the same ground rejection as claim 7.

Regarding to claim 18: Fig. 1 of Stecyk illustrates DTV [12] as a **video tuner**. comprises:

a system processor (i.e. TV control module 140); (Stecyk, ¶0070- ¶0071); to receive user commands and to generate generalized instructions in a third protocol based on the received user commands to control at least one of a first and a second tuner;

a first tuner (i.e. a digital broadcast satellite tuner (DBS) 32) having a connection to receive **wireless video signals** modulated over a carrier frequency (i.e. DBS signal), the tuner having **a first control line interface** (i.e. IR transmission cable [38]) separate from the video connection [31] to receive commands in **a first protocol specific to the tuner** from the system processor; (Stecyk, ¶0047-¶0048, Fig. 4, ¶0064)

a second tuner (a digital (D-) cable or satellite receiver 46) having a connection to receive **wireless video signals** modulated over a carrier frequency (i.e. satellite signal), the second tuner having **a second control line interface** (i.e. in series or parallel across 1394 cable 49) separate from the video interface to receive commands in **a second protocol specific to the tuner** from the system processor; (Stecyk, ¶0045, ¶0050, Fig. 4, ¶0064)

and

a microcontroller (i.e. DMS 116) coupled to the system processor [140] and to the first and second control line interfaces of the first and second tuners to receive generalized instructions from the system processor in the third protocol, to identify a tuner to which each generalized instruction is directed, to convert the received generalized instructions from the third protocol to the protocol for the identified tuner, and to transmit the converted commands to the respective identified tuner through the control line interface of the respective tuner; see discussion in claim 1;(Stecyk, ¶0081, Fig. 2A-2F, ¶0093-¶0098);

Regarding to claim 19: With respect to the video tuner in claim 19, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 2 and since the video tuner in claim 19 merely repeat the limitation of claim 2, claim 19 have the same ground rejection as claim 2.

Regarding to claim 20: With respect to the video tuner in claim 20, as discussed above since the apparatus disclosed every structural element and its function required by apparatus claim 3 and since the video tuner in claim 20 merely repeat the limitation of claim 3, claim 20 have the same ground rejection as claim 3.

Regarding to claim 21: With respect to the video tuner claim 21, merely repeat the limitation of claim 4; claim 21 have the same ground rejection as claim 4.

Regarding to claim 22: With respect to the video tuner in claim 22, as discussed above since the video tuner disclosed every structural element and its function required

by apparatus claim 6 and since the video tuner in claim 22 merely repeat the limitation of claim 6, claim 22 have the same ground rejection as claim 6.

Regarding to claim 23 With respect to the video tuner claim 23, merely repeat the limitation of claim 7; claim 23 have the same ground rejection as claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427